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Counsel for Defendants

FORTRESS INVESTMENT GROUP LLC,
FORTRESS CREDIT CO. LLC,
VLSI TECHNOLOGY LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

INTEL CORPORATION and APPLE INC.,

Plaintiffs,

v.

FORTRESS INVESTMENT GROUP LLC,
FORTRESS CREDIT CO. LLC, UNILOC
2017 LLC, UNILOC USA, INC., UNILOC
LUXEMBOURG S.A.R.L., VLSI
TECHNOLOGY LLC, INVT SPE LLC,
INVENTERGY GLOBAL, INC., DSS
TECHNOLOGY MANAGEMENT, INC., IXI
IP, LLC, and SEVEN NETWORKS, LLC,

Defendants.

Case No. 3:19-cv-07651-LB

**DEFENDANTS' RESPONSE IN SUPPORT
OF ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Pursuant to Civil Local Rule 3-12(e), defendants Fortress Investment Group LLC, Fortress Credit Co. LLC, and VLSI Technology LLC (collectively “Defendants”) file this response in support of Intel Corporation’s (“Intel”) Administrative Motion to Consider Whether Cases Should Be Related (Dkt. 7).

On October 21, 2019, Intel filed a complaint against Defendants alleging violations of federal antitrust law and California’s unfair competition law. *Intel Corporation v. Fortress Investment Group LLC, et al.*, Case 5:19-cv-06856 (the “First Antitrust Case”) (complaint attached hereto as Exhibit A). The complaint asserted that Defendants had engaged in a supposed anticompetitive scheme to acquire “weak” patents and then bring allegedly “meritless” patent infringement lawsuits against Intel and other entities. On November 20, 2019, Intel voluntarily dismissed its complaint. *See id.* Later that same day, Intel and Apple, Inc. filed a new complaint in the present action against Defendants and seven additional entities containing many similar allegations. Dkt. 1.

The First Antitrust Case and the present action are related. Both complaints are based on the theory that defendants have engaged in an alleged scheme to aggregate supposedly “weak” patents and bring “meritless” patent infringement actions. *Compare* Ex. A ¶¶ 8, 144-63 *with* Dkt. 1 ¶¶ 9, 172-85. Both complaints assert claims under the Sherman Act and California’s Unfair Competition Law. The complaints share several common defendants and a common plaintiff (Intel), and the alleged witnesses referenced in the two complaints are largely the same. In addition, both complaints contain the same broad prayer for relief that would include, if granted, “voiding” dozens of contracts, including contracts involving non-parties to this case.

For the reasons stated above, the present action should be related to the First Antitrust Case.

Dated: November 22, 2019

Respectfully submitted,

IRELL & MANELLA LLP

By: /s/A. Matthew Ashley
Counsel for Defendants
 FORTRESS INVESTMENT GROUP LLC,
 FORTRESS CREDIT CO. LLC,
 VLSI TECHNOLOGY LLC